

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARVIN GREEN¹

]

Plaintiff,

]

v.

Case No. 3:14-1614
Chief Judge Haynes

STATE OF TENNESSEE, et al.

]

Defendants.

]

M E M O R A N D U M

Plaintiff, Marvin Green, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983 against the Defendants: State of Tennessee; Robert Cooper, Tennessee's Attorney General; and Derrick Schofield, Commissioner, Tennessee Department of Correction ("TDPC"); seeks injunctive relief and damages arising from his criminal conviction.

According to his complaint, Plaintiff alleges that the State of Tennessee is depriving him of his liberty without due process, "indicting and convicting (citizens) plaintiffs of offense(s) that do not track the language of the statute." Plaintiff also asserts that the defendants are holding him in "involuntary servitude" without him being duly convicted by law.

A state is not an entity that can be sued in a Section 1983 action. Will v. Michigan Department of State Police, 491 U.S. 58, 64 (1989). As to the individual Defendants, Plaintiff's claims implicate his state conviction and Plaintiff must pursue his remedies under 28 U.S.C. § 2254.

¹ Throughout the complaint, Plaintiff refers to himself in the plural. Marvin Green is the only Plaintiff in the complaint and to sign submit his application to proceed *in forma pauperis*.

Given Plaintiff's failure to state a claim upon which relief can be granted, this action
DISMISSED without prejudice to his underlying claims. 28 U.S.C. § 1915A(b)(1).

An appropriate Order is filed herewith.

ENTERED this the 13 day of August, 2014.



WILLIAM J. HAYNES, JR.
Chief Judge
United States District Court